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Patent
Attorney's Docket No. 031998-007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	ATTN: BOX SEQUENCE
)	
Gregory MAY et al.)	Group Art Unit: Unassigned
)	
Application No.: 09/892,635)	Examiner: Unassigned
)	
Filed: June 28, 2001)	Confirmation No.: Unassigned
)	
For: DNA REGULATORY ELEMENTS)	
ASSOCIATED WITH FRUIT)	
DEVELOPMENT)	

DECLARATION PURSUANT TO 37 C.F.R. § 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

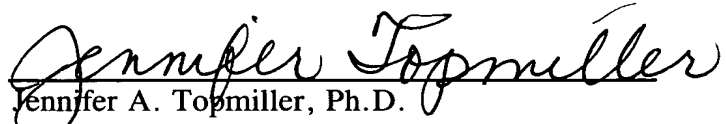
I, Jennifer A. Topmiller, declare that the content of the computer readable copy of the Sequence Listing submitted herewith is identical to the information recorded in computer readable form and paper copy previously submitted on June 28, 2001.

The Sequence Listing in computer readable form as originally filed with the application on June 28, 2001 was lost by the U.S. Patent and Trademark Office. Upon a telephonic request to Applicants' undersigned representative, a duplicate copy is being submitted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of

Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 19, 2003


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